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9 **BEFORE THE**  
**PHYSICIAN ASSISTANT BOARD**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 950-2020-002944

13 **STEPHEN JAMES GRANT, P.A.**  
14 **319 Southbury Ln.**  
**Chico, CA 95973-8223**

**ACCUSATION**

15 **Physician Assistant License No. PA 13240**

16 Respondent.  
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19 **PARTIES**

20 1. Rozana Khan (Complainant) brings this Accusation solely in her official capacity as  
21 the Executive Officer of the Physician Assistant Board, Department of Consumer Affairs.

22 2. On or about February 4, 1994, the Physician Assistant Board issued Physician  
23 Assistant License No. PA 13240 to Stephen James Grant, P.A. (Respondent). The Physician  
24 Assistant License was in full force and effect at all times relevant to the charges brought herein  
25 and expired on February 28, 2022.

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## **JURISDICTION**

3. This Accusation is brought before the Physician Assistant Board (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 3527 of the Code states:

“(a) The board may order the denial of an application for, or the issuance subject to terms and conditions of, or the suspension or revocation of, or the imposition of probationary conditions upon a PA license after a hearing as required in Section 3528 for unprofessional conduct that includes, but is not limited to, a violation of this chapter, a violation of the Medical Practice Act, or a violation of the regulations adopted by the board.

“(b) The board may order the denial of an application for, or the suspension or revocation of, or the imposition of probationary conditions upon, an approved program after a hearing as required in Section 3528 for a violation of this chapter or the regulations adopted pursuant thereto.

“ . . .

“(d) The board may order the licensee to pay the costs of monitoring the probationary conditions imposed on the license.

“(e) The expiration, cancellation, forfeiture, or suspension of a PA license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.”

5. Section 726 of the Code states:

“(a) The commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any person licensed under this or under any initiative act

1 referred to in this division.

2 “(b) This section shall not apply to consensual sexual contact between a  
3 licensee and his or her spouse or person in an equivalent domestic relationship when  
4 that licensee provides medical treatment, to his or her spouse or person in an  
5 equivalent domestic relationship.”

6 6. Section 2234 of the Code, states:

7 “The board shall take action against any licensee who is charged with  
8 unprofessional conduct. In addition to other provisions of this article, unprofessional  
9 conduct includes, but is not limited to, the following:

10 “(a) Violating or attempting to violate, directly or indirectly, assisting in or  
11 abetting the violation of, or conspiring to violate any provision of this chapter.

12 “(b) Gross negligence.

13 “(c) Repeated negligent acts. To be repeated, there must be two or more  
14 negligent acts or omissions. An initial negligent act or omission followed by a  
15 separate and distinct departure from the applicable standard of care shall constitute  
16 repeated negligent acts.

17 “(1) An initial negligent diagnosis followed by an act or omission medically  
18 appropriate for that negligent diagnosis of the patient shall constitute a single  
19 negligent act.

20 “(2) When the standard of care requires a change in the diagnosis, act, or  
21 omission that constitutes the negligent act described in paragraph (1), including, but  
22 not limited to, a reevaluation of the diagnosis or a change in treatment, and the  
23 licensee’s conduct departs from the applicable standard of care, each departure  
24 constitutes a separate and distinct breach of the standard of care.

25 “(d) Incompetence.

26 “(e) The commission of any act involving dishonesty or corruption that is  
27 substantially related to the qualifications, functions, or duties of a physician and  
28 surgeon.

“(f) Any action or conduct that would have warranted the denial of a certificate.

“(g) The failure by a certificate holder, in the absence of good cause, to attend and participate in an interview by the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board.”

7. Section 118, subdivision (b), of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

## COST RECOVERY

8. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

## FACTUAL ALLEGATIONS

9. Respondent is a physician assistant who, at all times relevant to this action, worked at First Care Medical Associates, Inc. (FCMA), in Orland, California. Patient A<sup>1</sup> is a 42 year-old woman. Medical records obtained by the Board indicate that Respondent first treated Patient A in or around 2016, and that he treated Patient A periodically until October 2018. Patient A re-established care with Respondent on or around February 26, 2020. Patient A's diagnoses included Post-Traumatic Stress Disorder, bipolar disorder, alcohol withdrawal, anxiety, insomnia, and nausea.

10. On or about June 25, 2020, Respondent saw Patient A for a follow-up visit where they discussed Patient A's weight loss, heartburn, and nausea, among other things. Respondent

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<sup>1</sup> The patient's identity is omitted to protect privacy. It is known to Respondent and will be provided in discovery.

1 documented a plan to start Zofran<sup>2</sup> and temazepam,<sup>3</sup> and to stop Xanax.<sup>4</sup> Respondent had been  
2 prescribing Xanax to Patient A since February 2020. Prior to that, Respondent prescribed Xanax  
3 to Patient A between July 2018 through November 2018.

4 11. On or about June 30, 2020, Respondent saw Patient A for a follow-up visit where  
5 they discussed recent medication changes. Patient A reported that new prescriptions for Zofran  
6 and Temazepam had relieved her chronic nausea and insomnia. During this visit, Patient A and  
7 Respondent were seated near each other, and Respondent rubbed Patient A's thigh while they  
8 spoke. Near the end of the visit, Patient A and Respondent both stood up. Respondent then  
9 proceeded to kiss and grope Patient A. Respondent put his hand into Patient A's crotch and  
10 placed her hand on his crotch so that she could feel his genitalia. Patient A could feel  
11 Respondent's erection as he kissed and groped her. Respondent and Patient A were both clothed,  
12 and the touching was done over Patient A's clothing.

13 12. Shortly after the above visit, Respondent began sending text messages to Patient A,  
14 even though she had not given Respondent her cell phone number. In the initial text messages,  
15 Respondent told Patient A that he was "[a]vailable for emergencies and if you'd like to meet.  
16 Discretion is a high point." He also warned: "[P]lease understand that in any meeting there's  
17 going to [be] a powerful, very likely overpowering physical drive. It will be difficult for me to  
18 keep respecting a distance you may want to keep which will mean I will need to stop meeting for  
19 my own peace of mind. Sorry, but being honest. I'm actually physically responding just to this  
20 contact." When Patient A asked Respondent what he wanted from her, Respondent described in  
21 graphic detail sexual acts that he would like to engage in with Patient A, including oral sex.  
22 Respondent continued texting Patient A the next few weeks. He encouraged Patient A to meet  
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24 <sup>2</sup> Zofran (brand name for the drug ondansetron) is used to prevent nausea and vomiting.

25 <sup>3</sup> Temazepam (generic name for the brand drug Restoril) is a benzodiazepine used for the  
26 short-term treatment of insomnia. It is a Schedule IV controlled substance pursuant to Code of  
27 Federal Regulations Title 21 section 1308.14(c) and Health and Safety Code section 11057,  
28 subdivision (d), and a dangerous drug pursuant to Business and Professions Code section 4022.

<sup>4</sup> Xanax (brand name for the drug alprazolam) is a short-acting benzodiazepine used to  
treat anxiety, and is a Schedule IV controlled substance pursuant to Code of Federal Regulations  
Title 21 section 1308.14. Xanax is a dangerous drug pursuant to Business and Professions Code  
section 4022 and is a Schedule IV controlled substance pursuant to Health and Safety Code  
section 11057, subdivision (d).

1 him at the clinic as well as outside of it. When they texted about Patient A coming back to the  
2 clinic, however, Respondent cautioned that, “[N]o one is or can be aware that we talk on  
3 messaging. It’s weird not just in regard to you but none of my patients have my number. It’s not  
4 done for our privacy sake.”

5 13. Although Patient A did not want to see Respondent again, on or about July 22, 2020,  
6 she needed medical attention for an urgent matter. She returned to FCMA and was seen by  
7 Respondent. She wore a mask during the appointment this time hoping that it would deter  
8 Respondent from kissing her again; however, as she laid on her back on the examination table,  
9 Respondent removed her mask and kissed her. Respondent then positioned himself so that Patient  
10 A’s left hand could feel his erection through his pants. She did not move and did not kiss back.  
11 The kissing occurred for approximately one minute. Afterwards, she left the office and did not  
12 return to see Respondent at the clinic.

13 14. Respondent continued to send text messages to Patient A after that visit, at least until  
14 August 11, 2020. Around the time that Respondent started to send text messages to Patient A, he  
15 also began frequenting her place of work much more often until she quit. Patient A also changed  
16 her phone number.

17 15. As noted above, on June 25, 2020, Respondent had discontinued Patient A’s  
18 prescription for Xanax and started a new prescription for Temazepam. Taken together, these  
19 medications may increase side effects such as dizziness, drowsiness, confusion, and difficulty  
20 concentrating with impairment in judgment and driving. Despite those side effects and  
21 documenting that he discontinued Patient A’s prescription for Xanax, Respondent continued to  
22 write prescription(s) to Patient A for the medication. Pharmacy profiles show that Patient A filled  
23 prescriptions for: 120 tablets of Xanax 0.5 mg on June 30, 2020; 90 tablets of Xanax 0.25 mg on  
24 July 10, 2020; and 120 tablets of Xanax 0.5 mg on July 31, 2020. Two of these prescriptions were  
25 actually an increase in the dosage from 0.25 mg to 0.5 mg.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 (Sexual Abuse or Misconduct)

3 16. Respondent's license is subject to disciplinary action under Code section 726 in that  
4 he committed sexual abuse or misconduct with Patient A, as more particularly alleged in  
5 paragraphs 9 through 15, above, which are hereby incorporated by reference and realleged as if  
6 fully set forth herein.

7 **SECOND CAUSE FOR DISCIPLINE**

8 (Gross Negligence)

9 17. Respondent's license is subject to disciplinary action under Code sections 2234,  
10 subdivision (b), and 3527, in that he committed gross negligence during the care and treatment of  
11 Patient A, as more particularly alleged in paragraphs 9 through 16, above, which are hereby  
12 incorporated by reference and realleged as if fully set forth herein. Additional circumstances are  
13 as follows:

14 18. Respondent committed grossly negligent acts, including but not limited to:

15 A. Kissing and inappropriately touching Patient A in the examination room during  
16 two medical office visits;

17 B. Sending text messages to Patient A that were graphic and sexual in nature,  
18 included requests to meet Patient A in a social setting, and were not related to the care and  
19 treatment of Patient A; and

20 C. Continuing to prescribe Xanax despite discontinuing the medication during a  
21 patient visit, which also potentially increased side effects when prescribed with another controlled  
22 substance (Temazepam).

23 **THIRD CAUSE FOR DISCIPLINE**

24 (Repeated Negligent Acts)

25 19. Respondent's license is subject to disciplinary action under Code sections 2234,  
26 subdivision (c), and 3527, in that he committed repeated negligent acts during the care and  
27 treatment of Patient A, as more particularly alleged in paragraphs 9 through 18, above, which are  
28 hereby incorporated by reference and realleged as if fully set forth herein.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct)

3 20. Respondent is subject to disciplinary action under Code sections 2234 and 3527, in  
4 that he engaged in conduct which breaches the rules or ethical code of the profession, and which  
5 demonstrates an unfitness to practice as a physician assistant, as more particularly alleged in  
6 paragraphs 9 through 19, above, which are hereby incorporated by reference as if fully set forth  
7 herein.

8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
10 and that following the hearing, the Physician Assistant Board issue a decision:

- 11 1. Revoking or suspending Physician Assistant License No. PA 13240, issued to  
12 Respondent Stephen James Grant, P.A.;
- 13 2. Ordering Respondent Stephen James Grant, P.A. to pay the Physician Assistant Board  
14 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
15 Professions Code section 125.3;
- 16 3. Ordering Respondent Stephen James Grant, P.A., if placed on probation, to pay the  
17 Board the costs of probation monitoring; and
- 18 4. Taking such other and further action as deemed necessary and proper.
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21 DATED: March 17, 2022



22 ROZANA KHAN  
23 Executive Officer  
24 Physician Assistant Board  
25 Department of Consumer Affairs  
26 State of California  
27 Complainant

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